

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1344 OF 2021

Harsh @ Harshad Ashok Kulkarni .. Applicant

Vs.

The State Of Maharashtra .. Respondent

Mr.Vinayak Patil, Advocate for Applicant.

Mr. Y. M. Nakhwa, A.P.P. for the State-Respondent.

Mr. Asif V. Baig (API) Wada Police Station, Palghar, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 2nd JULY, 2021

PC.

1. This is an application for anticipatory bail in connection with C. R. No. 97 of 2021 registered with Wada Police Station, District Palghar, for the offence punishable under Sections 307, 323, 504, 506 read with 34 of Indian Penal Code (for short 'IPC') and Sections 3 and 25 of Arms Act, 1959. The First Information Report (for short 'FIR') was lodged on 28.03.2021.

2. The case of the prosecution is that on 27.03.2021 the complainant, Hrishikesh Patil and Nitesh Patil were proceeding towards the shop. On the way they saw Chirag Patil, Ganesh Kevde, Mohit Nipurte and Amey Bhati. They were quarelling

with each other. The complainant and his friends tried to intervene and resolve the quarrel. Amey bhati was armed with wooden log. He abused the complainant. At that time Amar Shirke, Rahul Kurghude and Harsh Kulkarni came to the spot in car. Amar Shirke pushed the complainant and abused him. They started assaulting them. Amar Shirke removed the knife from the waist and gave blow on the head of the complainant. He also threatened the complainant by showing him revolver. Amey Bhati removed the knife and wooden log. Amar Shirke pointed out knife and revolver and threatened the public. People started running helter and skelter. Revolver was pointed out to the complainant and he was threatened.

3. Learned counsel for the applicant submitted that no specific role is attributed to the applicant. He was not armed with weapon. He is student of college as Engineer. There are no criminal antecedents against him. Amey Bhati was arrested and granted bail.

4. Learned APP submitted that the applicant has participated in the offence. The offence is of serious nature. Section 307 of

IPC has been invoked in this case.

5. Cross case was registered vide C.R. No.99 of 2021 with same police station for the offence under Sections 324, 323, 504, 506 read with 34 of IPC. The said FIR was lodged by Amey Bhati against Mandar Chaudhari, Chirag Patil and Mohit Nipurte. The applicant was not armed with any weapon. The FIR indicates that the complainant and his friend tried to intervene in the quarrel between complainant and others. At that time the applicant and others had reached the spot. The incident of assaulting the complainant and others had occurred suddenly.

6. Considering these aspects, the applicant need not be subjected to custodial interrogation. The case for granting anticipatory bail is made out.

ORDER

- (i) Anticipatory Bail Application No.1344 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with C.R. No.97 of 2021 registered with Wada Police Station, Dist. Palghar, the applicant be released on bail on

furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant shall attend the investigating officer on 12th, 13th & 14th July, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for.
- (iv) The applicant shall not tamper with the evidence.
- (v) The applicant shall not indulge in similar offence.
- (vi) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)